

Order

Michigan Supreme Court
Lansing, Michigan

September 29, 2010

Marilyn Kelly,
Chief Justice

140524 & (42)

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 140524
COA: 288578
Dickinson CC: 08-004032-FH

DREW JAMES PELTOLA,
Defendant-Appellant.

By order of April 27, 2010, the prosecuting attorney was directed to answer the application for leave to appeal the October 20, 2009 judgment of the Court of Appeals filed by the State Appellate Defender Office. On order of the Court, the answer having been received, the applications for leave to appeal the October 20, 2009 judgment of the Court of Appeals are again considered. The defendant's application *in propria persona* for leave to appeal is DENIED, because we are not persuaded that the question presented should be reviewed by the Court. With respect to the application filed by the State Appellate Defender Office, we direct the Clerk to schedule oral argument on whether to grant the application or take other peremptory action. MCR 7.302(H)(1). At oral argument, the parties shall address the argument that the scoring of prior record variables is improper when the defendant's minimum and maximum sentences are doubled pursuant to MCL 333.7413(2). The parties may file supplemental briefs within 42 days of the date of this order, but they should not submit mere restatements of their application papers.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 29, 2010

Corbin R. Davis

Clerk